

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS,  
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

KARLA PEREZ, *et al.*,

Defendants-Intervenors,

and

STATE OF NEW JERSEY,

Defendant-Intervenor.

Case No. 1:18-cv-00068-ASH

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE 43 LOCAL  
GOVERNMENTS AND LOCAL GOVERNMENT OFFICIALS AND ADVOCACY  
ORGANIZATIONS IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT AND IN SUPPORT OF DEFENDANTS' AND DEFENDANTS-  
INTERVENORS' MOTIONS FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 7 and Rule 7 of the Local Rules of the United States District Court for the Southern District of Texas, Amici Curiae 43 Local Governments and Local Government Officials and Advocacy Organizations respectfully request leave to file the attached Brief of Amici Curiae 43 Local Governments and Local Government Officials and Advocacy Organizations in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of Defendants' and Defendants-Intervenors' Motions for Summary Judgment. A copy of a proposed order is also attached.

**I. IDENTITY AND INTEREST OF AMICI CURIAE**

Amici include local governments from across the country that come from a wide range of economic, political, and social diversity, as well as 3 local government advocacy organizations.

Amici are: City of Alexandria, Virginia; City of Baltimore, Maryland; City of Boston, Massachusetts; County of Boulder, Colorado; County of Cameron, Texas; Town of Carrboro, North Carolina; City of Central Falls, Rhode Island; Town of Chapel Hill, North Carolina; City of Chicago, Illinois; County of Contra Costa, California; County of Cook, Illinois; City of Culver City, California; City and County of Denver, Colorado; City of Durham, North Carolina; City of Gaithersburg, Maryland; City of Hartford, Connecticut; County of King, Washington; City of Lansing, Michigan; City of Long Beach, California; City of Los Angeles, California; County of Los Angeles, California; County of Marin, California; County of Milwaukee, Wisconsin; City of Minneapolis, Minnesota; County of Monterey, California; City of New Rochelle, New York; City of Oakland, California; City of Philadelphia, Pennsylvania; City of Rochester, New York; City of Sacramento, California; City of Saint Paul, Minnesota; City of San Diego, California; City and County of San Francisco, California; City of San Jose, California; County of Santa Clara, California; County of Santa Cruz, California; City of South Bend, Indiana; City of Tacoma, Washington; City of Tucson, Arizona; International Municipal Lawyers Association; National League of Cities; The United States Conference of Mayors; and Travis County Judge Andy Brown, in his official capacity as Travis County Judge.

Though important differences exist between them, amici share a common interest in building communities where all residents, regardless of immigration status, feel safe and empowered to participate in civic life. At their core, local governments exist to provide for the health (*e.g.*, public hospitals), safety (*e.g.*, police departments and county sheriffs), and welfare (*e.g.*, social services agencies) of their residents. Deferred Action for Childhood Arrivals (DACA) directly benefits the health, safety, and welfare of all of residents, by encouraging DACA recipients to openly participate in their communities and interact with local government without fear. All amici agree that our communities are stronger — and our future is brighter — because of DACA.

Amici have a significant interest in this proceeding. Plaintiffs' efforts to set aside DACA jeopardize amici's interests by directly harming hundreds of thousands of DACA recipients in

amici's communities. Plaintiffs' efforts also threaten the well-being of the families, neighbors, coworkers, and employers of DACA recipients who rely on them, as well as the interests of local governments, who benefit from the countless contributions that DACA recipients have made and will continue to make to our country.

## **II. ARGUMENT**

This Court has broad discretion to grant leave to file amicus briefs. *See United States ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007). To determine whether to grant leave, this Court considers various factors, including "whether the proffered information is 'timely and useful' or otherwise necessary to the administration of justice." *Id.*

The proposed brief is timely and would be useful to this Court. Amici would offer the unique perspective of local governments to assist the Court in evaluating the issues and the impact of this Court's ruling on local governments across the nation. The proposed brief would describe the benefits that DACA brings to amici's residents and communities, as well as the harms that the termination of DACA will cause to the same. The proposed brief also would explain that DACA is not arbitrary and capricious.

Plaintiffs, Defendants, and Defendants-Intervenors do not oppose the filing of this amicus brief.

For the foregoing reasons, amici request leave to file the attached brief.

Dated: March 9, 2023

Respectfully Submitted,

By: /s/ Michael J. Dundas

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that service of the foregoing document was automatically accomplished on all known filing users through the Court's CM/ECF system and/or in accordance with the Federal Rules of Civil Procedure on this 9th day of March, 2023.

*/s/ Nicholas Whilt*

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Nicholas Whilt